

**IN THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MISSOURI**

In re: ORA E MOTT

Case No.: 13-43648-drd-13

Debtor

MOTION TO DENY CONFIRMATION OF PLAN

Comes now Richard V. Fink, Chapter 13 Trustee, and requests the court deny confirmation of the debtor's proposed plan (document #2), filed on or about September 25, 2013, and in support thereof states that issues related to the proposed plan include:

1. Section 1308 / 521:

The trustee has not received a copy of the most recently filed income tax returns. The debtor filed an affidavit indicating that she has not been required to file income tax returns since 2010. The trustee requests a copy of the debtor's 2010 income taxes.

2. Section 1325(b):

The plan runs 32 months based on current information. The debtors are below median and have an applicable commitment period of 36 months based on In Re Frederickson (545 F.3d 652 C.A.8, 2008).

3. Local Rule 3084-1E:

The plan proposes an interest rate of "till" in paragraph 7(d) for Nebraska Furniture Mart. The trustee is bringing this to the court's attention under In re Espinosa. The trustee believes the chapter 13 rate of interest is the proper rate to determine present value under section 1325(a)(5)(B).

Wherefore, the Chapter 13 Trustee moves the Court for an Order Denying Confirmation of the proposed plan.

October 14, 2013

Respectfully submitted,

/s/ Richard V. Fink, Trustee
Richard V. Fink, Trustee
818 Grand Blvd., Suite 800
Kansas City, MO 64106-1901

NOTICE OF MOTION

Any response to the motion must be filed within twenty-one (21) days of the date of this notice (subject to an extension pursuant to Federal Rule of Bankruptcy Procedure 9006) with the Clerk of the United States Bankruptcy Court. Documents can be filed electronically at <http://ecf.mowb.uscourts.gov>. A copy of such response shall be served electronically by the Court on the Chapter 13 Trustee and all other parties to the case who have registered for electronic filing. Parties not represented by an attorney may mail a response to the Court at the address below. If a response is timely filed, the Court will either rule the matter based on the pleadings, or set the matter for a hearing. If a hearing is to be held, notice of such hearing will be sent to all parties in interest. **If no response is filed within twenty-one (21) days (subject to an extension pursuant to Federal Rule of Bankruptcy Procedure 9006), the Court will enter an Order confirming the amended plan.** For information about electronic filing, go to <http://www.mow.uscourts.gov>. If you have any questions about this document, contact your attorney.

Court Address: U.S. Bankruptcy Court, 400 E. 9th St., Room 1510, Kansas City, MO 64106

NOTICE OF SERVICE

The following parties will be served either electronically or by United States First Class Mail and a certificate of service will be filed thereafter:

DEBTOR(S)

WAGONER BANKRUPTCY GROUP (206) - ATTORNEY FOR DEBTOR(S)

/s/ Richard V. Fink, Trustee

SMM /Motion - Deny Confirmation